

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE  
In re:

Melissa Ann Wisniowski      AKA Melissa Edge  
103 McGregor Ct, Franklin, TN 37064  
xxx-xx-3010  
Debtor

BK:    18-03466-RM3-13

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The Deadline for Filing a Timely Response Is: \_\_\_\_11/1/18\_\_\_\_  
If a Response Is Timely Filed, the Hearing Will Be Held On:      \_\_\_\_11/21/18\_\_\_\_

Time and Location:      8:30AM, Customs House, 701 Broadway, Courtroom 1, Nashville, TN 37203.

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NOTICE OF MOTION TO ENLARGE TIME FOR FILING PROOF OF CLAIM BY DEBTOR

Melissa Ann Wisniowski has asked the court for the following relief: Enlarge time for filing proof of claim by debtor for secured claim

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <<https://ecf.tnmb.uscourts.gov>>. If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).
2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <<https://ecf.tnmb.uscourts.gov>>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date:    October 11, 2018

/s/ J. ROBERT HARLAN

J. ROBERT HARLAN - BPR No. 010466

Harlan, Slocum & Quillen

Attorney for the Debtor

39 Public Square

PO Box 949

Columbia, TN 38402-0949

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FOR THE MIDDLE DISTRICT OF TENNESSEE

In Re:  
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**MOTION TO ENLARGE TIME FOR FILING PROOF OF CLAIM BY DEBTOR**

Comes the Debtor through counsel and would request the Court to enlarge the time for filing a Proof of Claim by the Debtor pursuant to Rule 3004 and Rule 9006(b) of the Federal Rules of Bankruptcy Procedure. For cause the Debtor would show the Court as follows:

1. The Chapter 13 case was filed May 23, 2018, and the first scheduled deadline for filing of claims pursuant to Rule 3001 of the Federal Rules of Bankruptcy Procedure expired on/or prior to the filing of this Motion.
2. The Debtor has determined that a claim was not timely filed under Rule 3001 FRBP by the creditor, US Bank Trust National Association, as Trustee of the Bungalow Series III Trust, c/o BSI Financial Services (hereinafter "BSI Financial"). The Debtor did not recognize that a claim was not filed until after expiration of the time for filing claims by the Debtor under Rule 3004 FRBP.
3. Cause exists for the Court to enlarge time under Rule 9006(b). The lien held by BSI Financial is secured by property of the Debtor which is necessary for Debtor's use and successful completion of the Chapter 13 plan. Failure to pay the claim constitutes a failure of adequate protection entitling the creditor to obtain relief from the automatic stay. Loss of the property would subject the Debtor to a hardship and jeopardize chances for the plan's completion. Also, failure to redeem the lien by payments through the plan will allow the creditor to repossess the property upon completion of the plan thereby jeopardizing the "fresh start" policy of 11 USC 727 and 1328.

4. The debtor lacked the financial documents to support the proof of claim and the documents were not reasonably available from the creditor prior to the deadline to file the claim. The Debtor contends this constitutes mistake or excusable neglect under Rule 9006(b).
5. The short time which has passed since expiration of the time for filing claims results in minimal prejudice to other creditors by allowance of the extension.

STATEMENT OF IMPACT:

If this Motion is granted it will have the effect of allowing distribution of funds by the Chapter 13 Trustee to make payments to the stated creditor in accordance with the provisions of the Order confirming the Chapter 13 plan. If this Motion is disallowed then no distributions will be made to the stated creditor, except as may later be allowed by separate Order of this Court, and the funds allocated in the Chapter 13 plan for distribution to the stated creditor will be re-distributed pro rata among allowed general unsecured and priority unsecured claims.

BASED UPON THE FOREGOING the Debtor requests the Court to enlarge the time for filing a claim by the debtor for the creditor, BSI Financial for a claim for the Debtor's residential real estate located at 103 McGregor Ct. Franklin, TN 37064 pursuant to Rule 3004 and Rule 9006(b) of the Federal Rules of Bankruptcy Procedure to sixty days from entry of the order granting the debtor's request.

Respectfully submitted October 11, 2018.

/s/ J. ROBERT HARLAN  
J. ROBERT HARLAN - BPR No. 010466  
Harlan, Slocum & Quillen  
Attorney for the Debtor  
39 Public Square  
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# CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have mailed a true and exact copy of the foregoing to the affected creditor and any parties in interest, BSI Financial Services, 1425 Greenway Drive, Ste 400, Irving, TX 75038, Theodore K. Cummins, Padgett Law Group, 6267 Old Water Oak Road, Ste 203, Tallahassee, FL 32312, to the Chapter 13 Trustee, Henry E. Hildebrand, III [aoecf@ch13nsh.com](mailto:aoecf@ch13nsh.com) and sent by Electronic Case Noticing to the Chapter 13 Trustee, Henry E. Hildebrand, III and to the U.S. Trustee's Office October 11, 2018.

/s/ J. ROBERT HARLAN

J. ROBERT HARLAN - BPR No. 010466  
Harlan, Slocum & Quillen

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FOR THE MIDDLE DISTRICT OF TENNESSEE

In Re:  
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AKA Melissa Edge  
Debtor

BK: 18-03466-RM3-13

**ORDER TO ENLARGE TIME FOR FILING A PROOF OF CLAIM  
BY THE DEBTOR**

This order is submitted to the Court by the debtor through counsel upon motion to enlarge the time for filing a proof of claim by the debtor pursuant to Rule 3004 and 9006(b) of the Federal Rules of Bankruptcy Procedure. Based upon statements in the motion, and subject to objections, the Court finds the time for filing a claim by the debtor should be extended for cause. The cause consists of the hardship to the debtor which would be suffered from loss of the property during the Chapter 13 plan or upon completion of the plan in the event the debt were not paid according to plan terms. Excusable neglect is found pursuant to Rule 9006(b) based upon the debtor not discovering until after the deadline for filing claims that a claim had not yet been filed by US Bank Trust National Association, as Trustee of the Bungalow Series III Trust, c/o BSI Financial Services (hereinafter “BSI Financial”) for a claim for the Debtor’s residential real estate located at 103 McGregor Ct. Franklin, TN 37064.

IT IS, THEREFORE, ORDERED, the time for filing a proof of claim pursuant to Rule 3004 and Rule 9006(b) as it pertains to the creditor BSI Financial for a claim for the Debtor’s residential real estate located at 103 McGregor Ct. Franklin, TN 37064, is extended until 60 days of entry of this order.

**This order was signed and entered electronically as indicated at the top of the page.**

Approved for Entry:

/s/ J. ROBERT HARLAN

J. ROBERT HARLAN - BPR No. 010466

Harlan, Slocum & Quillen

Attorney for the Debtor

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**CERTIFICATE OF COMPLIANCE**

I, J. Robert Harlan, do certify that I have complied with the noticing requirement of Local Bankruptcy Rule 9013-1 by mailing a copy of the attached document pertaining to the subject action by placing the same in the U.S. Mail, postage pre-paid to:

BSI Financial Services  
1425 Greenway Drive, Ste 400  
Irving, TX 75038

Theodore K. Cummins  
Padgett Law Group  
6267 Old Water Oak Road, Ste 203  
Tallahassee, FL 32312

Melissa Ann Wisniowski  
103 McGregor Ct  
Franklin, TN 37064

Sent by Electronic Case Noticing to the Chapter 13 Trustee, Henry E. Hildebrand, III and to the U.S. Trustee's Office October 11, 2018.

/s/ J. ROBERT HARLAN

J. ROBERT HARLAN - BPR No. 010466

Harlan, Slocum & Quillen

Attorney for the Debtor

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/lp